

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RECEIPT # 60368  
 AMOUNT \$ 150 00  
 SUMMONS ISSUED 11/24/04  
 CIVIL ACTION NO. 04-12485-RWZ  
 WAIVER OF SERV. 11/24/04  
 WITNESS ISSUED 11/24/04  
 BY DEPUTY CLK ef  
 DATE 11/24/04

PLAINTIFF'S NAME

Francis G. Falzarano  
D/B/A North Hill Construction Co.

DEFENDANT'S NAME

Medford Housing Authority

COMPLAINT

04-12485-RWZ

referred to mJ JL Alexander

The plaintiff is a resident of Lynnfield, Essex County, Massachusetts, and a citizen of the United States.

The defendant, Medford Housing Authority, is a government agency of the United States.

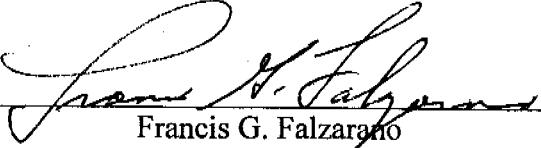
This Court has jurisdiction over this matter pursuant to 28 U.S.C. s. 1332.

Plaintiff entered into a contract with Defendant in January of 2004 and presented a check for \$19,000.00 in lieu of a payment bond. Defendant did not pay Plaintiff's substantial completion invoice submitted in March 2004 but finally paid part of it and released a portion of Plaintiff's \$19,000.00 in July of 2004. Defendant has since refused to process three change orders for additional work or to pay the balance owed.

WHEREFORE the loss of this working capital has severely impaired Plaintiff's ability to proceed with other contracts, the Plaintiff demands judgment against the Defendant for damages and such other relief as this Court deems just.

The Plaintiff demands a trial by jury.

Signed

  
 Francis G. Falzarano

D/B/A North Hill Construction Co.  
 19 North Hill Drive  
 Lynnfield, Massachusetts 01940  
 Telephone: 781 526 2733



## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

FRANCIS G. FALZARANO D/B/A  
NORTH HILL CONSTRUCTION CO.

## (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(EXCEPT IN U.S. PLAINTIFF CASES)

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

FRANCIS G. FALZARANO PRO-SE  
19 NORTH HILL DRIVE 781-526-2733  
LYNNFIELD MA. 01940

## DEFENDANTS

MEDFORD HOUSING AUTHORITY

DISTRICT COURT  
DISTRICT OF MASS

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

04

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

## II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff

3 Federal Question  
(U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity  
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES  
(For Diversity Cases Only)

Citizen of This State

PTF DEF

1  1 Incorporated or Principal Place of Business In This State  4  4

Citizen of Another State

PTF DEF

2  2 Incorporated and Principal Place of Business In Another State  5  5

Citizen or Subject of a Foreign Country

Foreign Nation

 6  6

## IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

## CONTRACT

## TORTS

## FORFEITURE/PENALTY

## BANKRUPTCY

## OTHER STATUTES

110 Insurance  
 120 Marine  
 130 Miller Act  
 140 Negotiable Instrument  
 150 Recovery of Overpayment & Enforcement of Judgment  
 151 Medicare Act  
 152 Recovery of Defaulted Student Loans (Excl. Veterans)  
 153 Recovery of Overpayment of Veteran's Benefits  
 160 Stockholders' Suits  
 190 Other Contract  
 195 Contract Product Liability

310 Airplane  
 315 Airplane Product Liability  
 320 Assault, Libel & Slander  
 330 Federal Employers' Liability  
 340 Marine  
 345 Marine Product Liability  
 350 Motor Vehicle  
 355 Motor Vehicle Product Liability  
 360 Other Personal Injury

362 Personal Injury — Med. Malpractice  
 365 Personal Injury — Product Liability  
 368 Asbestos Personal Injury Product Liability  
  
 370 Other Fraud  
 371 Truth in Lending  
 380 Other Personal Property Damage  
 385 Property Damage Product Liability

610 Agriculture  
 620 Other Food & Drug  
 625 Drug Related Seizure of Property 21 USC 881  
 630 Liquor Laws  
 640 R.R. & Truck  
 650 Airline Regs.  
 660 Occupational Safety/Health  
 690 Other

422 Appeal 28 USC 158  
 423 Withdrawal 28 USC 157

820 Copyrights  
 830 Patent  
 840 Trademark

400 State Reapportionment  
 410 Antitrust  
 430 Banks and Banking  
 450 Commerce/ICC Rates/etc.  
 460 Deportation  
 470 Racketeer Influenced and Corrupt Organizations  
 810 Selective Service  
 850 Securities/Commodities/Exchange  
 875 Customer Challenge 12 USC 3410  
 891 Agricultural Acts  
 892 Economic Stabilization Act  
 893 Environmental Matters  
 894 Energy Allocation Act  
 895 Freedom of Information Act  
 900 Appeal of Fee Determination Under Equal Access to Justice  
 950 Constitutionality of State Statutes  
 890 Other Statutory Actions

## REAL PROPERTY

## CIVIL RIGHTS

## PRISONER PETITIONS

## LABOR

## SOCIAL SECURITY

210 Land Condemnation  
 220 Foreclosure  
 230 Rent Lease & Ejectment  
 240 Torts to Land  
 245 Tort Product Liability  
 290 All Other Real Property

441 Voting  
 442 Employment  
 443 Housing/Accommodations  
 444 Welfare  
 440 Other Civil Rights

510 Motions to Vacate Sentence  
**HABEAS CORPUS:**  
 530 General  
 535 Death Penalty  
 540 Mandamus & Other  
 550 Civil Rights  
 555 Prison Condition

710 Fair Labor Standards Act  
 720 Labor/Mgmt. Relations  
  
 730 Labor/Mgmt. Reporting & Disclosure Act  
 740 Railway Labor Act  
  
 790 Other Labor Litigation  
  
 791 Empl. Ret. Inc. Security Act

861 HIA (1395ff)  
 862 Black Lung (923)  
 863 DWI/CDIW (405(g))  
 864 SSID Title XVI  
 865 RSI (405(g))

870 Taxes (U.S. Plaintiff or Defendant)  
 871 IRS — Third Party 26 USC 7609

## V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Magistrate Judgment

## VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.  
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint:

## JURY DEMAND:

YES  NO

VIII. RELATED CASE(S) (See instructions):  
IF ANY

JUDGE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) FRANCIS G. FALZARANO D/B/A  
NORTH HILL CONST. CO. MEDFIELD HOUSING AUTHORITY

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.
- 190 III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

\*Also complete AO 120 or AO 121  
for patent, trademark or copyright cases

04-12485 RWZ

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES

NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES

NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES

NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES

NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES

NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME FRANCIS G. FALZARANO PRO-SO  
 ADDRESS 19 NORTH HILL DRIVE LYNNFIELD MA. 01940  
 TELEPHONE NO. 781-526-2733